

**REMARKS**

Claims 1, 5-7, 10, 11, 13, 17-20, 23-24, 41-42 and 44-51 are pending.

Claims 1, 5, 6, 8, 10, 13, 15, 17, 19, 20, 22, 42, 43, 47 and 50 stand rejected under USC 103(a) over WO 02/37493 (USP 7,215,610) (Sako et al.) in view of Ha (USP 7,028,011). Applicants respectfully traverse this rejection.

The examiner asserts that disc identification information identifying a type of the computer readable medium corresponds to Column 17, lines 15-19 of Sako.

Column 17, lines 15-19 of Sako reads as ““In this embodiment, the optical disc CDx includes three types: single-density disc, double-density disc and single-/double-density disc (only read-only type in which data is recorded in pits). Each of these three types of discs has ID data recorded in TOC information in the lead-in area thereof.”

According to the above column 17, lines 15-19 of Sako, the three types of optical disc CDx includes single-density, double-density and singal-/double density disc. Further, these three types of discs are only read-only type in which data is recorded in pits.

However, the type of the medium of amended claim 1 is one of Read-only, Recordable and Rewritable. The characteristic of the type of the disc is different from that of Sako.

Further, column 4, lines 34-57 of Ha describes that “the addressing tracks of the ROM area 30 include at least one disc identifier sub-code track 33 which contains disc identifier data which are embedded in this track such that the disc identifier data will not be transferred to a memory device of a computer when the disc is installed on the computer. The disc identifier sub-code track 33 is schematically shown as being

formed along a portion of the aforementioned groove within the lead-in area 32. The disc identifier sub-code can be embedded, alternatively, in a portion of a wobble track associated with a power calibration area (PCA) or with a program memory area (PMA), such tracks (not shown) preceding the lead-in area 32. "

Ha may teach alternative recording position of the disc identifier sub-code, but not the type of the disc identifier sub-code. Rather, the disc identifier sub-code of Ha is to authenticate the installed disc addressing data and computer software programs for operation in the computer from the hybrid optical recording disc, thereby providing protection against copying the disc. Therefore, the disc identifier sub-code is not for identifying the type of the medium.

In view of the above, even assuming Ha was combined with Sako, the resulting combination fails to render claim 1 obvious to one skilled in the art.

Independent claims 13, 20 and 42 include similar limitations to those discussed above with respect to claim 1, and are patentable at least for the reasons stated above with respect to claim 1.

The remaining claims are patentable at least for depending on one of the above-discussed independent claims.

Claims 49 and 51 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sako in view of Horimai (USP 5,563,872) and further in view of Ha. Applicants respectfully traverse this rejection.

Again, Applicants incorporate the arguments made in the Amendments filed March 15, 2010 and August 23, 2010.

Furthermore, Horimai does not overcome the disclosure and suggestion deficiencies of Sako in view of Ha discussed above with respect to claim 1. Because claims 49 and 52 include similar limitations to those discussed above with respect to

claim 1, claims 49-52 are not rendered obvious to one skilled in the art by Sako in view of Horimai and Ha.

Applicants respectfully request that the Examiner withdraw this rejection.

**CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

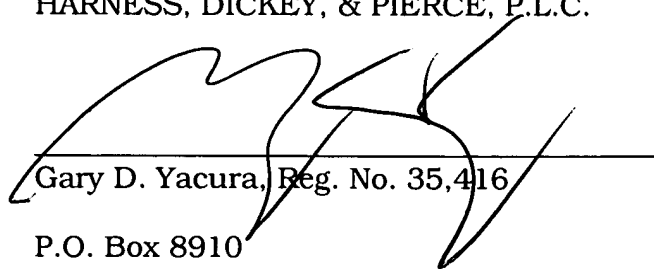
Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Gary D. Yacura, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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